

Attorney Docket No.: B0410/7282D1 (U.S. App. No. 09/888,757)

Filed: June 25, 2001

Inventors: John E. Ahern *et al.*

Response To Notice Of Non-Compliant Amendment

Page 2

The following Listing of the Claims will replace all prior versions and all prior listings of the claims in the present application:

Listing of The Claims:

1-18. (Canceled)

19. (Withdrawn): A pellet, comprising
a therapeutic agent surrounding a radio-opaque material, whereby delivery of the therapeutic agent is facilitated by viewing the position of the radio-opaque material relative to a position of a targeted site for implanting the pellet.

20. (Currently amended): Apparatus ~~for or~~ implanting a therapeutic agent within a tissue wall, comprising

an elongate flexible body having a proximal end and a distal end,
a delivery chamber coupled to the distal end of the body and having a space for carrying the therapeutic agent, and a port for releasing the therapeutic agent therefrom, and
an actuator coupled to the delivery chamber and capable of driving the therapeutic agent through the port, whereby the therapeutic agent is implanted within a tissue wall.

21. (Original): Apparatus according to claim 20, further including
a control mechanism coupled to the actuator and the proximal end of the body for providing control of the actuator, whereby a user can operate the control mechanism for controlling the delivery of the therapeutic agent.

22. (Original): Apparatus according to claim 20, further including
a steering mechanism for turning the distal end of the body, to thereby allow the delivery chamber to be selectively guided through a body lumen.

Attorney Docket No.: B0410/7282D1 (U.S. App. No. 09/888,757)
Filed: June 25, 2001
Inventors: John E. Ahern *et al.*
Response To Notice Of Non-Compliant Amendment
Page 3

23. (Original): Apparatus according to claim 20, wherein the delivery chamber and the distal end of the flexible body are dimensionally adapted to allow for transluminal delivery and for entry into the interior of a patient's heart.
24. (Original): Apparatus according to claim 20, wherein the delivery chamber includes a substantially cylindrical interior housing dimensionally adapted to store in axial alignment a plurality of minispheres containing a therapeutic agent.
25. (Original): Apparatus according to claim 20, further including a pointed distal end adapted to penetrate a tissue wall for delivering the therapeutic agent within the tissue wall.
26. (Original): Apparatus according to claim 20, wherein the actuator includes a plunger for driving the therapeutic agent from the delivery chamber.
27. (Original): Apparatus according to claim 20, further including a ratchet assembly for allowing delivery of discreet volumes of the therapeutic agent.
28. (Original): Apparatus according to claim 20, wherein the actuator includes a threaded plunger for advancing into the delivery chamber responsive to a rotating action.
29. (Original): Apparatus according to claim 20, wherein the delivery chamber is adapted to receive at least one pellet containing the therapeutic agent.
30. (Original): Apparatus according to claim 20, further including a lever-action handle mounted at the proximal end of the flexible body and coupled to the control mechanism.

Attorney Docket No.: B0410/7282D1 (U.S. App. No. 09/888,757)

Filed: June 25, 2001

Inventors: John E. Ahern *et al.*

Response To Notice Of Non-Compliant Amendment

Page 4

31. (Original): Apparatus according to claim 20, further including means for receiving at least one pellet containing the therapeutic agent and having an arcuate shape for facilitating implanting within a body of tissue.